

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB700)

Received: **10/04/2005**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Kitty Rhoades (608) 266-1526**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - state superintendent**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Rhoades@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Autism scholarship program

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 10/04/2005	wjackson 10/04/2005		_____			
/1	pgrant 11/02/2005	kfollett 11/04/2005	chaugen 10/04/2005	_____	sbasford 10/04/2005	sbasford 10/04/2005	
/2	pgrant 11/07/2005	jdyer 11/07/2005	pgreensl 11/04/2005	_____	sbasford 11/04/2005	sbasford 11/04/2005	
/3			jfrantze	_____	lnorthro	lnorthro	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			11/07/2005 _____		11/07/2005	11/07/2005	

FE Sent For:

<END>

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB700)

Received: 10/04/2005

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Kitty Rhoades (608) 266-1526

By/Representing:

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - state superintendent

Extra Copies:

Submit via email: YES

Requester's email: Rep.Rhoades@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Autism scholarship program

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 10/04/2005	wjackson 10/04/2005		_____ _____			
/1	pgrant 11/02/2005	kfollett 11/04/2005	chaugen 10/04/2005	_____ _____	sbasford 10/04/2005	sbasford 10/04/2005	
/2		13 1/2 jw	pgreensl 11/04/2005	_____ _____	sbasford 11/04/2005	sbasford 11/04/2005	

11/11/05 11/11/05

FE Sent For:

<END>

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB700)

Received: 10/04/2005

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Kitty Rhoades (608) 266-1526

By/Representing:

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - state superintendent

Extra Copies:

Submit via email: YES

Requester's email: Rep.Rhoades@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Autism scholarship program

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 10/04/2005	wjackson 10/04/2005					
/1		12 kjf 11/4	chaugen 10/04/2005	11/4 138	sbasford 10/04/2005	sbasford 10/04/2005	

FE Sent For:

<END>

2005 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB700)

Received: **10/04/2005**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Kitty Rhoades (608) 266-1526**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - state superintendent**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Rhoades@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Autism scholarship program

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant	1 wly 10/4	ch 10-4	ch 10-4 3F			

FE Sent For:

<END>

Now

A. SUBJT. AMPT. —

TO 2005 ASSEMBLY BILL 700

LRB-2372/1
PG:wlj:pg

September 26, 2005 - Introduced by Representatives RHOADES, KLEEFISCH, MONTGOMERY, PETTIS, ALBERS, MUSSER, SEIDEL, DAVIS, TOWNSEND, KRAWCZYK, OWENS, GRONEMUS, WOOD, FREESE, TOWNS, MCCORMICK, GUNDERSON, ZEPNICK, MURSAU, KREIBICH, NISCHKE, HINES, KESTELL, STEINBRINK, PRIDEMORE, OTT and BERCEAU, cosponsored by Senators KANAVAS, HARSDORF and LEIBHAM. Referred to Committee on Education.

- 1 AN ACT *to create* 115.85, 121.05 (1) (a) 4. and 121.81 (2) (br) of the statutes;
2 relating to: creating the Autism Scholarship Program, and granting
3 rule-making authority. *making an appropriation*

Analysis by the Legislative Reference Bureau

This bill directs the Department of Public Instruction (DPI) to award scholarships in the 2006-07 and 2007-08 school years to the parents of eligible autistic children. An autistic child is eligible if the child's school district has identified the child as autistic and has an individualized education program (IEP) in effect for the child, and the child was enrolled in public school in the previous school year or is eligible to enter public school in the school year in which a scholarship is first sought for the child.

The scholarship may be used only to pay tuition for the child to attend a special education program that implements the child's IEP and that is operated by a school district other than the school district that the child is attending or in which the child resides, by another public entity, or by a private provider approved by DPI. DPI must establish standards for the approval of private providers. The bill prohibits DPI from approving a private provider unless the person providing special education holds the appropriate DPI license. The amount of a scholarship is \$15,000 or the actual tuition charged by the special education program, whichever is less. No more than 200 pupils may receive a scholarship in either school year. The bill specifies that the parent or guardian of the pupil is responsible for transporting the pupil to and from the special education program the pupil attends under the scholarship.

ASSEMBLY BILL 700

The bill directs the school district in which a pupil who is awarded a scholarship resides to count the pupil in its enrollment for state aid purposes. The bill directs DPI to decrease each school district's state aid payment by the amount of scholarships awarded to such pupils.

Finally, the bill directs the Legislative Audit Bureau to conduct a financial and performance audit of the Autistic Scholarship Program after the 2006–07 school year and to file a report by December 31, 2007.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 115.85 of the statutes is created to read:

115.85 Autism Scholarship Program. (1) In this section, “eligible autistic child” means a child with a disability to whom all the following apply:

(a) The school district in which the child resides or that the child is attending has identified the child as autistic.

(b) The school district in which the child resides or that the child is attending has in effect for the child an individualized education program.

(c) The child was enrolled in public school in the school year prior to the school year in which a scholarship under this section is first sought for the child, or the child is eligible to enter public school in the school year in which a scholarship under this section is first sought for the child.

(2) (a) Except as provided in par. (b), in the 2006–07 and 2007–08 school years, upon receipt of an application from the parent of an eligible autistic child, the department shall award a scholarship to the child. The scholarship may be used only to pay tuition for the child to attend a special education program that implements the child's individualized education program and that is operated by a school district other than the school district that the child is attending or in which the child resides,

ASSEMBLY BILL 700

SECTION 1

1 by another public entity, or by a private provider approved by the department under
2 sub. (3). The amount of the scholarship shall be \$15,000 or the actual tuition charged
3 by the special education program, whichever is less.

4 (b) No more than 200 scholarship^s may be awarded under this section in any
5 school year.

6 (3) The department shall establish standards for the approval of private
7 providers for the purpose of sub. (2). The department may not approve a private
8 provider unless the person providing special education or related services holds the
9 appropriate license issued by the department.

10 (4) (a) The department annually shall decrease each school district's state aid
11 payment under s. 121.08 by an amount equal to the aggregate amount of
12 scholarships awarded under this section to pupils included in the school district's
13 membership under s. 121.05 (1) (a) 4. If the state aid payment under s. 121.08 is
14 insufficient to cover the reduction, the department shall decrease other state aid
15 payments made by the department to the school district by the remaining amount.

16 (b) The department shall ensure that the aid reduction under par. (a) does not
17 affect the amount determined to be received by a school district as state aid under
18 s. 121.08 for any other purpose.

19 (5) The department shall promulgate rules to implement and administer this
20 section, including procedures and deadlines for scholarship applications, payment
21 schedules for scholarships, and standards for the approval of private providers under
22 sub. (3).

23 SECTION 2. 121.05 (1) (a) 4. of the statutes is created to read:

ASSEMBLY BILL 700**SECTION 2**

1 121.05 (1) (a) 4. Pupils residing in the school district who are attending a
2 special education program operated by another school district, another public entity,
3 or a private provider as a result of receiving a scholarship under s. 115.85.

4 **SECTION 3.** 121.81 (2) (br) of the statutes is created to read:

5 121.81 (2) (br) Notwithstanding pars. (a) and (b), if a pupil awarded a
6 scholarship under s. 115.85 attends a school district other than his or her school
7 district of residence under that section, all of the following apply:

8 1. The application need not be accompanied by a written declaration regarding
9 establishing residence in the school district.

10 2. The school district may not waive or refund tuition for the pupil.

11 3. The pupil shall not be considered a resident pupil in computing general aid
12 under subch. II.

13 **SECTION 4. Nonstatutory provisions.**

14 (1) AUDIT. The legislative audit bureau is requested to perform a financial and
15 performance audit of the Autism Scholarship Program established by this act based
16 on the data from the 2006–07 fiscal year. If the bureau performs the audit, it shall
17 file its report as described in section 13.94 (1) (b) of the statutes by December 31,
18 2007.

19 (2) RULES. Using the procedure under section 227.24 of the statutes, the
20 department of public instruction shall promulgate the rules required under section
21 115.85 (5) of the statutes, as created by this act, for the period before the effective date
22 of the permanent rule promulgated under that section, but not to exceed the period
23 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
24 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required
25 to provide evidence that promulgating a rule under this subsection as an emergency

ASSEMBLY BILL 700

SECTION 4

1 rule is necessary for the preservation of the public peace, health, safety, or welfare
2 and is not required to provide to a finding of emergency for a rule promulgated under
3 this subsection.

4 (END)

insert

Sp + B rcs

SEC. # CR; 20255(2)(be)

(f) 20255(2)(be) ^(B) ^(I) Antism scholarship program

A sum sufficient for scholarships awarded
= autistic

to eligible autistic children under s. 115.085(1)

ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2005 ASSEMBLY BILL 700

Regen

1 **AN ACT to create** 20.255 (2) (be), 115.85, 121.05 (1) (a) 4. and 121.81 (2) (br) of
2 the statutes; **relating to:** creating the Autism Scholarship Program, making
3 an appropriation, and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 20.255 (2) (be) of the statutes is created to read:
5 20.255 (2) (be) *Autism Scholarship Program.* A sum sufficient for scholarships
6 awarded to eligible autistic children under s. 115.85.

7 **SECTION 2.** 115.85 of the statutes is created to read:

8 **115.85 Autism Scholarship Program.** (1) In this section, "eligible autistic
9 child" means a child with a disability to whom all the following apply:
10 (a) The school district in which the child resides or that the child is attending
11 has identified the child as autistic.

1 (b) The school district in which the child resides or that the child is attending
2 has in effect for the child an individualized education program.

3 (c) The child was enrolled in public school in the school year prior to the school
4 year in which a scholarship under this section is first sought for the child, or the child
5 is eligible to enter public school in the school year in which a scholarship under this
6 section is first sought for the child.

7 (2) (a) Except as provided in par. (b), in the ²⁰⁰⁷⁻⁰⁸~~2006-07~~ and ²⁰⁰⁸⁻⁰⁹~~2007-08~~ school years,
8 upon receipt of an application from the parent of an eligible autistic child, the
9 department shall award a scholarship to the child. The scholarship may be used only
10 to pay tuition for the child to attend a special education program that implements
11 the child's individualized education program and that is operated by a school district
12 other than the school district that the child is attending or in which the child resides,
13 by another public entity, or by a private provider approved by the department under
14 sub. (3). The amount of the scholarship shall be \$15,000 or the actual tuition charged
15 by the special education program, whichever is less.

16 (b) No more than 200 scholarships may be awarded under this section in any
17 school year.

18 (3) The department shall establish standards for the approval of private
19 providers for the purpose of sub. (2). The department may not approve a private
20 provider unless the person providing special education or related services holds the
21 appropriate license issued by the department.

22 (4) (a) The department annually shall decrease each school district's state aid
23 payment under s. 121.08 by an amount equal to the aggregate amount of
24 scholarships awarded under this section to pupils included in the school district's
25 membership under s. 121.05 (1) (a) 4. If the state aid payment under s. 121.08 is

1 insufficient to cover the reduction, the department shall decrease other state aid
2 payments made by the department to the school district by the remaining amount.

3 (b) The department shall ensure that the aid reduction under par. (a) does not
4 affect the amount determined to be received by a school district as state aid under
5 s. 121.08 for any other purpose.

6 (5) The department shall promulgate rules to implement and administer this
7 section, including procedures and deadlines for scholarship applications, payment
8 schedules for scholarships, and standards for the approval of private providers under
9 sub. (3).

10 **SECTION 3.** 121.05 (1) (a) 4. of the statutes is created to read:

11 121.05 (1) (a) 4. Pupils residing in the school district who are attending a
12 special education program operated by another school district, another public entity,
13 or a private provider as a result of receiving a scholarship under s. 115.85.

14 **SECTION 4.** 121.81 (2) (br) of the statutes is created to read:

15 121.81 (2) (br) Notwithstanding pars. (a) and (b), if a pupil awarded a
16 scholarship under s. 115.85 attends a school district other than his or her school
17 district of residence under that section, all of the following apply:

18 1. The application need not be accompanied by a written declaration regarding
19 establishing residence in the school district.

20 2. The school district may not waive or refund tuition for the pupil.

21 3. The pupil shall not be considered a resident pupil in computing general aid
22 under subch. II.

23 **SECTION 5. Nonstatutory provisions.**

24 (1) AUDIT. The legislative audit bureau is requested to perform a financial and
25 performance audit of the Autism Scholarship Program established by this act based

2007-08
1 on the data from the ~~2006-07~~ fiscal year. If the bureau performs the audit, it shall
2 file its report as described in section 13.94 (1) (b) of the statutes by December 31,

3 ~~2007~~. 2008

4 (2) RULES. Using the procedure under section 227.24 of the statutes, the
5 department of public instruction shall promulgate the rules required under section
6 115.85 (5) of the statutes, as created by this act, for the period before the effective date
7 of the permanent rule promulgated under that section, but not to exceed the period
8 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
9 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required
10 to provide evidence that promulgating a rule under this subsection as an emergency
11 rule is necessary for the preservation of the public peace, health, safety, or welfare
12 and is not required to provide to a finding of emergency for a rule promulgated under
13 this subsection.

14 (END)

Grant, Peter

From: Moore, Kevin
Sent: Monday, November 07, 2005 9:53 AM
To: Grant, Peter
Subject: FW: Sub to AB 700

Peter,

Joyce at Leg Council brought this to my attention. Can we make these changes? I will send you the jacket.

Thanks!

Kevin Moore

Office of Rep. Kitty Rhoades

kevin.moore@legis.state.wi.us

1-888-529-0030 Toll Free

1-608-282-3630 Fax

1-608-266-1526 Local

www.legis.state.wi.us

www.wisconsin.gov

From: Kiel, Joyce
Sent: Friday, November 04, 2005 2:23 PM
To: Moore, Kevin
Subject: RE: Sub to AB 700

Kevin:

As we discussed, if a pupil is attending a private school or public school under the scholarship program, current law would already provide that the pupil is not truant.

However, the bill and sub. would allow attendance at two other types of facilities--a public entity and a private provider that is not a private school. However, the truancy laws do not acknowledge that attendance at either type of facility satisfies the compulsory attendance laws. I think it would be an easy matter for the draft to revise s. 118.15, Stats., to indicate that attendance at either under the scholarship program is okay. (For example, by creating 118.15 (1) (dg) to refer to such attendance and amending s. 118.15 (1) (a) to refer to pars. (b) to (dg).

When you have the next version of the sub., would you please send it to me to review so I can prepare for the exec.

Thanks,

Joyce L. Kiel, Senior Staff Attorney
Wisconsin Legislative Council Staff
Suite 401, One East Main Street
Madison, WI 53703
608-266-3137
608-266-3830 (fax)
Joyce.Kiel@legis.state.wi.us

From: Moore, Kevin
Sent: Friday, November 04, 2005 1:05 PM
To: Kiel, Joyce
Subject: Sub to AB 700

I have not yet introduced the sub, so if there are technical changes that need to occur, we still have time to

incorporate them into the bill.

Kevin Moore

Office of Rep. Kitty Rhoades

kevin.moore@legis.state.wi.us

1-888-529-0030 Toll Free

1-608-282-3630 Fax

1-608-266-1526 Local

www.legis.state.wi.us

www.wisconsin.gov

**ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2005 ASSEMBLY BILL 700**

regen.

1 **AN ACT** *to create* 20.255 (2) (be), 115.85, 121.05 (1) (a) 4. and 121.81 (2) (br) of
2 the statutes; **relating to:** creating the Autism Scholarship Program, making
3 an appropriation, and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 20.255 (2) (be) of the statutes is created to read:
5 20.255 (2) (be) *Autism Scholarship Program.* A sum sufficient for scholarships
6 awarded to eligible autistic children under s. 115.85.

7 **SECTION 2.** 115.85 of the statutes is created to read:
8 **115.85 Autism Scholarship Program.** (1) In this section, "eligible autistic
9 child" means a child with a disability to whom all the following apply:

10 (a) The school district in which the child resides or that the child is attending
11 has identified the child as autistic.

1 (b) The school district in which the child resides or that the child is attending
2 has in effect for the child an individualized education program.

3 (c) The child was enrolled in public school in the school year prior to the school
4 year in which a scholarship under this section is first sought for the child, or the child
5 is eligible to enter public school in the school year in which a scholarship under this
6 section is first sought for the child.

7 (2) (a) Except as provided in par. (b), in the 2007–08 and 2008–09 school years,
8 upon receipt of an application from the parent of an eligible autistic child, the
9 department shall award a scholarship to the child. The scholarship may be used only
10 to pay tuition for the child to attend a special education program that implements
11 the child’s individualized education program and that is operated by a school district
12 other than the school district that the child is attending or in which the child resides,
13 by another public entity, or by a private provider approved by the department under
14 sub. (3). The amount of the scholarship shall be \$15,000 or the actual tuition charged
15 by the special education program, whichever is less.

16 (b) No more than 200 scholarships may be awarded under this section in any
17 school year.

18 (3) The department shall establish standards for the approval of private
19 providers for the purpose of sub. (2). The department may not approve a private
20 provider unless the person providing special education or related services holds the
21 appropriate license issued by the department.

22 (4) (a) The department annually shall decrease each school district’s state aid
23 payment under s. 121.08 by an amount equal to the aggregate amount of
24 scholarships awarded under this section to pupils included in the school district’s
25 membership under s. 121.05 (1) (a) 4. If the state aid payment under s. 121.08 is

1 insufficient to cover the reduction, the department shall decrease other state aid
2 payments made by the department to the school district by the remaining amount.

3 (b) The department shall ensure that the aid reduction under par. (a) does not
4 affect the amount determined to be received by a school district as state aid under
5 s. 121.08 for any other purpose.

6 (5) The department shall promulgate rules to implement and administer this
7 section, including procedures and deadlines for scholarship applications, payment
8 schedules for scholarships, and standards for the approval of private providers under
9 sub. (3).

INS
3-9

10 **SECTION 3.** 121.05 (1) (a) 4. of the statutes is created to read:

11 121.05 (1) (a) 4. Pupils residing in the school district who are attending a
12 special education program operated by another school district, another public entity,
13 or a private provider as a result of receiving a scholarship under s. 115.85.

14 **SECTION 4.** 121.81 (2) (br) of the statutes is created to read:

15 121.81 (2) (br) Notwithstanding pars. (a) and (b), if a pupil awarded a
16 scholarship under s. 115.85 attends a school district other than his or her school
17 district of residence under that section, all of the following apply:

18 1. The application need not be accompanied by a written declaration regarding
19 establishing residence in the school district.

20 2. The school district may not waive or refund tuition for the pupil.

21 3. The pupil shall not be considered a resident pupil in computing general aid
22 under subch. II.

23 **SECTION 5. Nonstatutory provisions.**

24 (1) AUDIT. The legislative audit bureau is requested to perform a financial and
25 performance audit of the Autism Scholarship Program established by this act based

1 on the data from the 2007–08 fiscal year. If the bureau performs the audit, it shall
2 file its report as described in section 13.94 (1) (b) of the statutes by December 31,
3 2008.

4 (2) RULES. Using the procedure under section 227.24 of the statutes, the
5 department of public instruction shall promulgate the rules required under section
6 115.85 (5) of the statutes, as created by this act, for the period before the effective date
7 of the permanent rule promulgated under that section, but not to exceed the period
8 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
9 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required
10 to provide evidence that promulgating a rule under this subsection as an emergency
11 rule is necessary for the preservation of the public peace, health, safety, or welfare
12 and is not required to provide to a finding of emergency for a rule promulgated under
13 this subsection.

14 (END)

3-9

SEC. CR. 118.15 (1)(cv)

118.15 (1)(cv) ^③

Attendance at a special education
program operated by a public entity or by
under a scholarship awarded
private provider under s. 15.85[✓] may
substituted
be substituted for attendance at a public or
private school.

(end ins)